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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,857	12/03/2004	Johnny Farm	P/1228-189	7198

2352 7590 06/27/2006

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EXAMINER	
TRIEU, THERESA	

ART UNIT	PAPER NUMBER
3748	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/516,857	FARM ET AL.	
	Examiner	Art Unit	
	Theresa Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *Dec. 3, 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Receipt and entry of Applicants' Preliminary Amendment filed on Dec. 3, 2004 is acknowledged.

Claims 1-8 and 10 have been amended. Claim 9 has been canceled. Claim 11 has been added. Thus, claims 1-8, 10 and 11 are pending in this application.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

1. The disclosure is objected to because of the following informalities: page 6, line 1, "internal teeth 16a" should be changed to -- internal teeth 16 --; page 6, line 21, "shaft 9' " should changed to --shaft 9 --. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama (Publication Number JP 11-013640) in view of design choice.

Regarding claim 1, as shown in Figs. 1 and 8, Koyama discloses a gear pump comprising a ring gear (5) supported for rotation, having an open center region, and having internal teeth projecting into the center region; a gearwheel (1, 11) arranged eccentrically within the center region of the ring gear and including external teeth intended to engage with the ring gear internal teeth the gearwheel having a hole through it, the gearwheel having an axial extent; a rotatable shaft (12) including a portion which extends through the hole in the gearwheel; the portion of the shaft includes a first surface (12a) and the gearwheel includes a second surface (11a), the first surface and the second surface are shaped to allow transfer of rotary motion from the shaft to the gearwheel, and a transfer between the first surface and the second surface takes place via a region of contact (not numbered; however, clearly seen in Fig. 8 and abstract). However, Koyama fails to disclose region of contact having an axial extent being less than half of the gearwheel axial extent.

It is examiner's position that one having ordinary skill in the gear pump, would have found it obvious to utilize the width of the region contact between the shaft and the gearwheel, since they are merely design parameters, depending on temperature, pressure, or stress acted/applied on the teeth of the gearwheel or depending on being used for a particular purpose, or solving a stated problem. Moreover, there is nothing in the record which establishes that the

claimed width of the region contact between the shaft and the gearwheel, presents a novel of unexpected result (See *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975)).

Regarding claims 2-8, Koyama further discloses the radial plane is located so it divides the region of contact into two substantially equal areas (see Figs. 5 and 8); a recess in the shaft (12a) in which the first surface is included; the second surface (11a) being included in a portion of the gearwheel (11) which extends radially inwards in the gearwheel hole (not numbered; however, clearly seen in Fig. 8); an open center region (see Fig. 8), the second surface (1a, 11a) having a substantially planar extent in an axial direction and the first surface (2a, 12a) having a curved extent in an axial direction and shaped to define the region of contact (see Fig. 5a); the first surface (2a, 12a) having a planar extent in an axial direction and that the second surface (11a) having a curved extent in an axial direction with a shape to define the region of contact.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama in view of design choice, as applied to claim 1 above, and further in view of Russell (Patent Number 2,496,497).

The modified Koyama device discloses the invention as recited above; however, the modified Koyama fails to disclose the gear pump being used in a hydrodynamic brake.

Russell teaches that it is conventional in the art to utilize a hydrodynamic brake comprising a stator (20) with blades (32), a rotor (24) with blades (24), and the rotor and stator defining a working space to receive a medium, an inlet and an outlet from the working space; a storage space for the medium and connected to the inlet to the space; and the gear pump (44) being between the working space and the inlet; the hydrodynamic brake (18) further comprising a structure with a multiplicity of recesses, each of the recesses has an opening in a substantially

common plane, and the gear pump (44) is arranged in one of the recesses (not numbered; however, clearly seen in Fig.2). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the hydraulic brake and gear pump in the recess, as taught by Russell in the modified Koyama apparatus, since the use thereof would have allowed the pump to be installed as a unit with the brake and provided a compact design and effective fluid friction brake.

Prior Art

The IDS (PTO-1449) filed on Dec. 3, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents: Charlson (U.S. Patent Number 2,989,951), Ullom (U.S. Patent Number 3,872,578), Yamaji et al. (U.S. Patent Number 4,781,075) and Onishi et al. (Publication Number JP 05-240166), each further discloses a state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT
June 21, 2006

Theresa Trieu
Primary Examiner
Art Unit 3748